



U.S. COAST GUARD

**U.S. Coast Guard
Personnel Command**



**PHYSICAL EVALUATION BRANCH (ADM-1)
POCKET GUIDE TO PHYSICAL DISABILITY
EVALUATION SYSTEM**



INTRODUCTION

The purpose of Physical Disability Evaluation System is to ensure equitable application of the provisions of Title 10, United States Code, Chapter 61, which relate to the separation or retirement of military personnel by reason of physical disability.

If interested, you can read this Law at the following Website:

<http://www4.law.cornell.edu/uscode/10/stApIIch61.html>

PHASES OF THE COAST GUARD'S PHYSICAL DISABILITY EVALUATION SYSTEM (PDES):

A service member can potentially experience the system in four progressive phases:

1. A medical evaluation of a potentially disabling condition;
2. A disability evaluation of the medical condition;
3. An opportunity to appeal findings through two or three higher-level appellate reviews;
4. Final disposition (return to duty, separation with or without severance pay: or temporary or permanent retirement)

The service member receives counseling as needed throughout the process, most intensively during the first two phases. For more information on these factors and circumstances please visit our website at:

<http://www.uscg.mil/hq/cgpc/adm/adm1.htm>

BACKGROUND.

Like the other military services, the Coast Guard is required by Congress to maintain a disability evaluation system. The fundamental purpose of the system is to support the deployment of a fit armed force by identifying and, ultimately, separating from service members who are not fit. Except for very narrow exceptions, all military members of the Coast Guard must be fit for full duty and worldwide assignment. Members who suffer from apparent disabilities or physical impairments are liable for separation under the Physical Disability Evaluation System.



MEDICAL EVALUATION BOARDS (MEB).

A military member whose physical condition raises reasonable doubt as to his or her ability to perform assigned military duties must be the subject of a Medical Evaluation Board (MEB). Medical evaluation boards are convened typically by Commanding Officers or Medical Officers. Medical Evaluation Board reports consist of a narrative medical summary, member's input (if any), and the command's cover letter. Prepared by a physician, the narrative summary describes the member's overall physical condition, with primary focus on apparent disabilities and a recommendation as to fitness or unfitness for continued duty. Members are given the opportunity to rebut the physician's narrative report and fitness recommendation. Commanding Officers prepare a cover letter endorsing the narrative summary and rebuttal providing certain administrative data, a description of the member's duties, and an opinion as to the member's ability to perform those duties. The now-complete MEB is forwarded to the Informal Physical Evaluation Board (IPEB¹), located at the Coast Guard Personnel Command.

PHYSICAL EVALUATION BOARDS.

An IPEB consisting of at least one line officer and one medical officer, reviews the Medical Evaluation Board (MEB) report from the member's command, makes fitness findings, and recommends personnel disposition. If the IPEB finds the member unfit, it will then determine the level of unfitness, using Department of Veterans Affairs standards. A member found unfit for continued duty by reason of physical disability is entitled to reject the findings of the IPEB and appear in person before a Formal Physical Evaluation Board (FPEB). Members appear before a FPEB to assert their fitness for duty, to claim a higher level of disability than rated by the IPEB, or to seek a personnel disposition different than that recommended by the IPEB. Members found Fit for Duty by the IPEB are not entitled to a formal board, and are simply returned to full duty status. However, a member can rebut a fit for duty finding by a Physical Evaluation Board. Occasionally, rather than finding a member fit or unfit, a Physical Evaluation Board (PEB) (either IPEB or FPEB) decides that a member's physical condition is not sufficiently clear to make a fitness determination. In such cases, the PEB orders a follow-up medical board, called a Disposition Medical Board (DMB). A letter from the PEB to the member's command orders the DMB and indicates the required medical consultations and a submission date. On receipt of the DMB report at CGPC, the DMB is processed like an MEB. In many cases, additional information is required from the command,

¹ Formally known as the Central Physical Evaluation Board (CPEB)

but does not warrant a DMB. In these cases, CGPC (adm-1) simply requests an addendum to the original board.

Findings and recommended disposition of a PEB, even when accepted by members, are not final until the member's case has been reviewed by the Judge Advocate's office and approved by Commander, Coast Guard Personnel Command or higher authority.

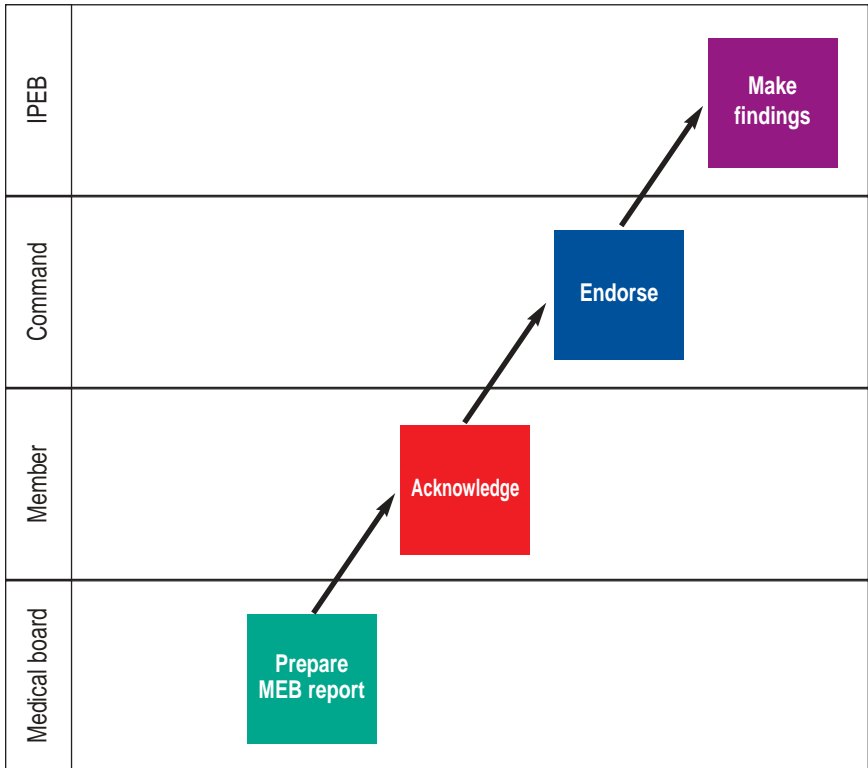
In most cases, disabilities adjudicated by a PEB are deemed to be permanent in nature. However, in some cases a disability may not be stable enough to make a final determination. If the disability is not stable, but is severe enough whereby it would provide a member with a retirement (vs. severance) from the Coast Guard, the PEB will recommend Temporary Retirement for the member. See PDES Manual at http://www.uscg.mil/ccs/cit/cim/directives/CIM/CIM_1850_2C.pdf for more information on Temporary Disability Retirement.

INFORMAL PHYSICAL EVALUATION BOARD

An Informal Physical Evaluation Board (IPEB) is a permanently established administrative board located within CGPC. It is a panel of at least two commissioned officers, one of whom serves as board President and the other as medical member. The medical member is always a physician. The IPEB weighs and impartially examines all relevant evidence in a member's case and makes findings and recommendations in conformity with applicable laws, regulations, and established policy. The IPEB evaluation is a review based solely on the documented record submitted by member's command. Neither the member nor any other witnesses are present for this portion of the process. An IPEB may find a member fit for duty or unfit for duty. A fit for duty finding will be made if the record indicates the member is physically and mentally able to perform the duties of their office, grade, rank or rating (including specialized duty, if applicable). For the purposes of the PDES, "office" is defined as the member's assigned duties. In reaching its decision, the IPEB is guided by the PDES Manual, the Veterans Administration Schedule for Rating Disabilities (VASRD), Title 38, Part 4, Code of Federal Regulations, the Coast Guard Medical Manual, COMDTINST M6000.1B, and the Coast Guard Personnel Manual, COMDTINST M1000.6. *(See the following Flow Chart for a higher-level view of the IPEB Process)*

INFORMAL PHYSICAL EVALUATION BOARD FLOW CHART

MEDICAL EVALUATION BOARD TO IPEB



IF MEMBER IS FOUND FIT for duty by the IPEB, the member will be returned to their unit to continue their career. However, if the member believes they are unfit, they have the option of rebutting the IPEB findings, while they continue to serve with their unit. The member's rebuttal must be in writing and should be submitted via their chain of command within 30 days of the IPEB date. If a member is found fit for full duty, they are not entitled as a matter of policy to a Formal Physical Evaluation Board. However, if their physical or mental condition worsens, they may go through the disability process again. A member may be considered unfit for duty when one or more physical disabilities (injury or illness) prevents, or could prevent them, from performing the normal and reasonable duties of their office, grade, rank or rating. Some medical conditions are automatically unfitting as a matter of policy. Although there is no black and white rule to determine fitness for duty for many conditions, Coast Guard policies are promulgated to ensure members on active duty are fully capable of performing all expected duties.



IF MEMBER IS FOUND UNFIT. A member may be considered unfit for duty when one or more physical disabilities (injury or illness) prevents, or could prevent him or her, from performing the normal and reasonable duties of their office, grade, rank or rating. Some medical conditions are automatically unfitting as a matter of policy. If the IPEB renders a decision of not fit for duty a member has 30 calendar days in which to notify CGPC (adm-1) whether or not they accept or reject the finding. In addition to making an unfit for duty finding, the IPEB will also recommend the degree of disability compensable under applicable law. If the member accepts the finding, CGPC (adm-1) will process their case through CGPC (epm) or (opm) as appropriate, for separation from the Coast Guard. If the member rejects the finding, they can demand a formal hearing as a right of appeal. This formal hearing is called a Formal Physical Evaluation Board (FPEB). Once a member rejects an IPEB unfit for duty finding, they are encouraged to get legal counsel in preparation for a formal hearing. The Coast Guard provides this counsel at no charge in the form of a Judge Advocate, upon a member's request.



FORMAL PHYSICAL EVALUATION BOARD

As stated before, if a member is found unfit for continued duty, he or she may reject the IPEB's recommended findings and disposition and demand a hearing before a Formal Physical Evaluation Board (FPEB), a standing board located at CGPC. The FPEB is a fact-finding body; it holds an administrative hearing to evaluate the member's fitness for duty and to make recommendations consistent with its findings. The FPEB examines the written medical evidence, evaluates other evidence presented by the member and their counsel, and hears witnesses, that may include the member, in order to provide the member with a full and fair hearing as required by law. A member's military Judge Advocate, or other such representative, will represent the member at their hearing.

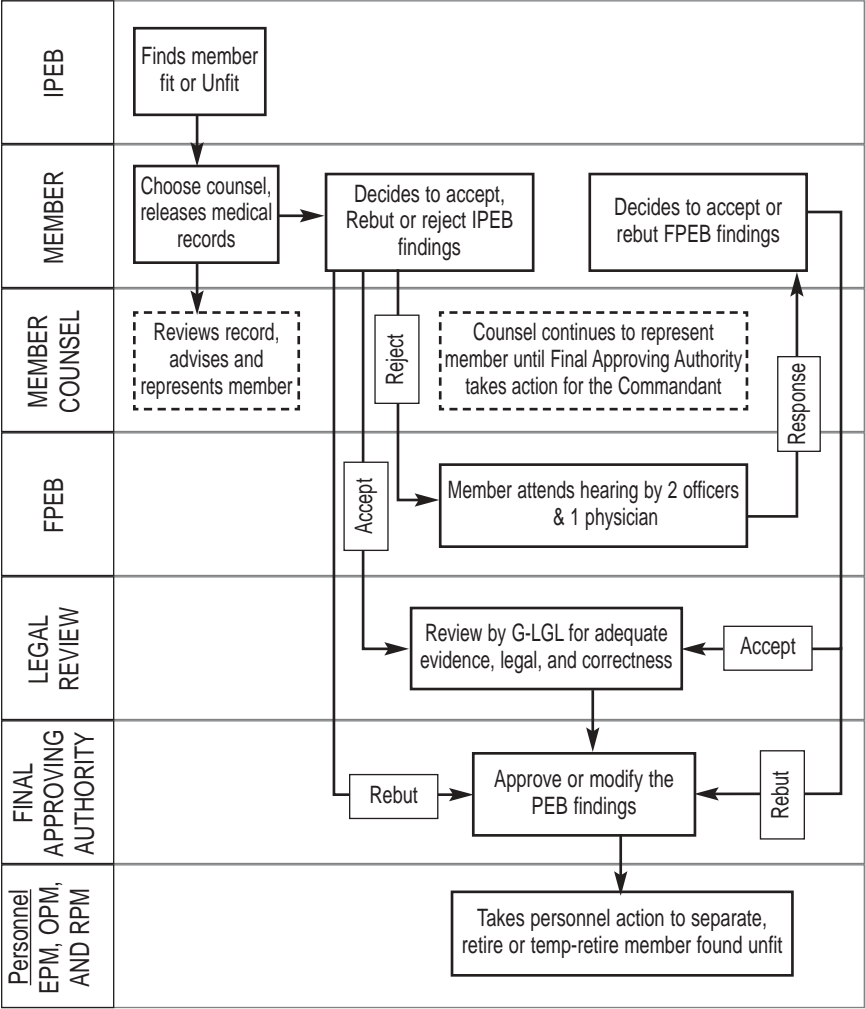
Although the member has thirty calendar days to accept or reject the IPEB findings, he or she has the right to a minimum of three working days notice of the time and place of the FPEB hearing. In this three-day period, a member has the right to reasonable access to their medical board record and any other evidence that the board is provided prior to the hearing.

CGPC (adm-1) will assist the member with travel arrangements and lodging so that he or she can attend the FPEB, no matter where they live. In addition, when medically required, CGPC (adm-1) will provide an escort for the member to attend this hearing. Under special circumstances and with the member's consent, CGPC (adm-1) may arrange for this hearing to be conducted via Video Teleconference.



FORMAL PHYSICAL EVALUATION BOARD FLOW CHART

RIGHT TO FULL & FAIR HEARING BY FORMAL PHYSICAL EVALUATION BOARD



PDES FINALIZATION

It takes several weeks after the member accepts the findings of the IPEB or after the FPEB is completed for a final disposition of the case by Commander, CGPC. After final approval, CGPC-epm, CGPC-opm, or CGPC-rpm (if applicable) issues authority to the member's command for a retirement/ separation through Direct Access notification. Normally a member's retirement/ separation date is within several weeks from the command's receipt of the CGPC notification.

DISABILITY SEPARATION. Military members found unfit for continued duty by reason of physical disability must be separated from the service. There are some limited exceptions to this policy, particularly when members with relatively minor disabilities and more than 18 years of service wish to remain on active duty until they reach 20 years of service. Any member whose combined percentage of disability is 30% or higher is retired. Unfit members found to be less than 30% disabled, and not otherwise entitled to a longevity retirement, are discharged with severance pay.

Members separated with severance pay receive a lump sum payment upon discharge, computed on the basis of base pay and the number of months served. Members permanently retired with a physical disability receive the specified percentage (disability level) of their basic pay, unless their time in service otherwise entitles them to a higher percentage. Members temporarily retired with a disability receive at least 50% of their basic pay. Time in service or the specified disability percentage (disability level) may entitle them to a higher percentage. For more information about Temporary Disability Retirement, see the PDES Manual at http://www.uscg.mil/ccs/cit/cim/directives/CIM/CIM_1850_2C.pdf.



FURTHER INFORMATION

WEB RESOURCES:

Physical Evaluation Branch (CGPC adm-1)

(Go to the Link below to access current information about the Physical Disability Evaluation System. Members in the PDES, as well as Commands and Clinics with active cases in the PDES, can access current case status via this link as well.)

<http://www.uscg.mil/hq/cgpc/adm/adm1.htm>

Veteran Benefits Administration

(Go to the link below to access benefit information from the Veterans Administration.)

<http://www.vba.va.gov/>

Office of Health Services, Commandant (G-WKH)

(Go to the link below to access information about Tricare and other access to medical treatment within the Military Healthcare Systems. Also, you can access Coast Guard Medical Retention Policy, Chapter 3.d and 3. f of the Coast Medical Manual (COMDINST M6000 series). This policy is the foundation for all medical evaluation boards.)

<http://www.uscg.mil/hq/g-w/g-wk/wkh/index.htm>

38 CFR Book C-VA Schedule for Rating Physical Disabilities

(Go to the link below to access 38 CFR Book C that is public law designating actual disability ratings and criteria for all compensable disabilities.)

<http://www.warms.vba.va.gov/bookc.html>

CG Legal Assistance

The Coast Guard's Legal and Defense services staff (G-L-6) is responsible for providing Physical Disability Evaluation System (PDES) representation and legal assistance for Active Duty and Reserve Coast Guard personnel. Located at CG Headquarters in Washington, DC as well as Arlington, VA, G-L-6's responsibilities include:

- providing legal advice, opinions and interpretations for federal disability laws and regulation to Coast Guard Personnel;
- counseling PDES evaluatees as to their rights and options with regard to their individual cases;
- providing representation for Formal Physical Evaluation Boards (FPEB)

For questions, please contact the Chief of Coast Guard Legal and Defense Services at 202-493-1744 or go to their website at: <http://www.uscg.mil/legal/la/>

Our Address

Commander (adm-1)
Coast Guard Personnel Command, 4200 Wilson Blvd., Suite 950
Arlington, VA 22203

Toll Free Number

1-866-307-1336